BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

SINGLE BENCH

WRIT PETITION NO. 3848 /2006

PETITIONER

Vinod Kumar Shukla, aged about 40 years, son of Shri Pila Babu Shukla, resident of village Misda, Tah. Nawagarh, Janpad Panchayat Janjgir, Distt. Janjgir-Champa (CG)

P.R. No. 3295/06
Presented by Shri Ashwini Shukla
dated 31/7/06

VERSUS

RESPONDENTS

1. The Collector, District Janjgir-Champa (Chhattisgarh)

2. The State of Chhattisgarh, through – the Secretary, Department of Panchayat Services and Rural Development Department, Dau Kalyan Singh Bhawan, Raipur (Chhattisgarh)

3. Asha Devi, wife of Hiraman Satnami, aged about 21 years, (Sarpanch), Gram Panchayat Misda, Tah. Nawqagarh, Distt. Janjgir-Champa (CG)

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CLERK TO A.G. BILASPUR
31/7/06

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

(23)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...WP 3848/06... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

8.8.2006

Shri A.K. Shukla, Adv. for the petitioner.

Shri N.K. Agarwal, Dy. Adv. General for respondent Nos.1 & 2 on advance copy.

Heard learned counsel for the parties on admission.

By the instant petition, the petitioner has prayed for a direction to respondent No.1 to decide the application filed by the petitioner under Section 36 of the Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (for short 'Adhiniyam, 1993')

The case of the petitioner is that in the Panchayat election held on 15.1.2005 respondent No.3 herein contested for the post of Sarpanch, Gram Panchayat Misda, Tehsil Navagarh, District Janjgir-Champa and she was elected. As per provisions of Section 36 (1)(k) of the Adhiniyam, 1993 any person whose age is 21 years or above is only entitled to contest the election and the person who is below 21 years of age at the time of election is not entitled to contest the election. Respondent No.3, at the time of contesting the election for the post of Sarpanch, was below 21 years of age, therefore, on 13.7.2005 the petitioner filed an application (Annexure P-2) under Section 36 (iii) of the Adhiniyam, 1993 before respondent No.1- Collector, Janjgir-Champa and the same is pending consideration before respondent No.1 and he is neither enquiring into the matter nor passing any order on the application of the petitioner.

Learned counsel for the petitioner submits that in view of the provisions of sub-section (iii) of Section 36 of the Adhiniyam, 1993 the Collector is duty bound to enquire into and pass orders on the application of the petitioner, as

P.T.O.

XI-HC-78

(24)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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	respondent No.3 herein at the time of election was not eligible to contest the election because she was below 21 years of age. Therefore, learned counsel for the petitioner submitted that a direction be issued to respondent No.1 herein to enquire into the matter and decide the application of the petitioner at the earliest, to which learned Deputy Advocate General for respondent No.1 and 2 has no objection. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, respondent No.1-Collector, Janjgir-Champa is directed to decide the application of the petitioner in accordance with law expeditiously. With the direction aforesaid, the petition stands disposed of. Certified copy as per rules. Sd/- L.C. Bhadoo Judge	

Roshan/-

P.T.O.